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SENATE BILL 5098

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State of Washington

59th Legislature

2005 Regular Session

By Senators Poulsen, Morton, Franklin, Kline and Kohl-Welles; by request of Governor Locke

Read first time 01/13/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to energy efficiency; adding a new chapter to Title  
2 19 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) Efficiency standards for certain products sold or installed in  
6 the state assure consumers and businesses that such products meet  
7 minimum efficiency performance levels thus saving money on utility  
8 bills.

9 (2) Efficiency standards save energy and reduce pollution including  
10 global warming emissions and other environmental impacts associated  
11 with the production, distribution, and use of electricity and natural  
12 gas.

13 (3) Efficiency standards contribute to the economy of Washington by  
14 helping to better balance energy supply and demand, thus reducing  
15 pressure for higher natural gas and electricity prices. By saving  
16 consumers and businesses money on energy bills, efficiency standards  
17 help the state and local economy, since energy bill savings can be  
18 spent on local goods and services.

1 (4) Efficiency standards can make electricity systems more reliable  
2 by reducing the strain on the electricity grid during peak demand  
3 periods. Furthermore, improved energy efficiency can reduce or delay  
4 the need for new power plants, power transmission lines, and power  
5 distribution system upgrades.

6 NEW SECTION. **Sec. 2.** The definitions in this section apply  
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Automatic commercial ice cube machine" means a factory-made  
9 assembly, not necessarily shipped in one package, consisting of a  
10 condensing unit and ice-making section operating as an integrated unit  
11 with means for making and harvesting ice cubes. It may also include  
12 integrated components for storing or dispensing ice, or both.

13 (2) "Ballast" means a device used with an electric discharge lamp  
14 to obtain necessary circuit conditions, such as voltage, current, and  
15 waveform, for starting and operating the lamp.

16 (3) "Commercial clothes washer" means a soft mount horizontal or  
17 vertical-axis clothes washer that: (a) Has a clothes container  
18 compartment no greater than 3.5 cubic feet in the case of a horizontal-  
19 axis product or no greater than 4.0 cubic feet in the case of a  
20 vertical-axis product; and (b) is designed for use by more than one  
21 household, such as in multifamily housing, apartments, or coin  
22 laundries.

23 (4) "Commercial prerinse spray valve" means a handheld device  
24 designed and marketed for use with commercial dishwashing and  
25 warewashing equipment and that sprays water on dishes, flatware, and  
26 other food service items for the purpose of removing food residue prior  
27 to their cleaning.

28 (5)(a) "Commercial refrigerators and freezers" means refrigerators,  
29 freezers, or refrigerator-freezers designed for use by commercial or  
30 institutional facilities for the purpose of storing or merchandising  
31 food products, beverages, or ice at specified temperatures that: (i)  
32 Incorporate most components involved in the vapor-compression cycle and  
33 the refrigerated compartment in a single cabinet; and (ii) may be  
34 configured with either solid or transparent doors as a reach-in  
35 cabinet, pass-through cabinet, roll-in cabinet, or roll-through  
36 cabinet.

1 (b) "Commercial refrigerators and freezers" does not include: (i)  
2 Products with 85 cubic feet or more of internal volume; (ii) walk-in  
3 refrigerators or freezers; (iii) consumer products that are federally  
4 regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products  
5 without doors; or (v) freezers specifically designed for ice cream.

6 (6) "Compensation" means money or any other valuable thing,  
7 regardless of form, received or to be received by a person for services  
8 rendered.

9 (7) "Department" means the department of community, trade, and  
10 economic development.

11 (8)(a) "Digital television adapter" means an electronic product for  
12 which the sole purpose is the conversion of digital video terrestrial  
13 broadcast signals to analog national television system committee video  
14 signals for use by an analog device such as a television.

15 (b) "Digital television adapter" does not include cable or  
16 satellite television set-top boxes.

17 (9) "High-intensity discharge lamp" means a lamp in which light is  
18 produced by the passage of an electric current through a vapor or gas,  
19 and in which the light-producing arc is stabilized by bulb wall  
20 temperature and the arc tube has a bulb wall loading in excess of three  
21 watts per square centimeter.

22 (10) "Illuminated exit sign" means an internally illuminated sign  
23 that is designed to be permanently fixed in place to identify a  
24 building exit and consists of an electrically powered integral light  
25 source that illuminates the legend "EXIT" and any directional  
26 indicators and provides contrast between the legend, any directional  
27 indicators, and the background.

28 (11)(a) "Low-voltage dry-type distribution transformer" means a  
29 distribution transformer that: (i) Has an input voltage of 600 volts  
30 or less; (ii) is air cooled; (iii) does not use oil as a coolant; and  
31 (iv) is rated for operation at a frequency of 60 hertz.

32 (b) "Low-voltage dry-type transformer" does not include: (i)  
33 Transformers with multiple voltage taps, with the highest voltage tap  
34 equaling at least twenty percent more than the lowest voltage tap; or  
35 (ii) transformers, such as those commonly known as drive transformers,  
36 rectifier transformers, auto transformers, uninterruptible power system  
37 transformers, impedance transformers, regulating transformers, sealed  
38 and nonventilating transformers, machine tool transformers, welding

1 transformers, grounding transformers, or testing transformers, that are  
2 designed to be used in a special purpose application and are unlikely  
3 to be used in general purpose applications.

4 (12) "Metal halide lamp" means a high-intensity discharge lamp in  
5 which the major portion of the light is produced by radiation of metal  
6 halides and their products of dissociation, possibly in combination  
7 with metallic vapors.

8 (13) "Metal halide lamp fixture" means a light fixture designed to  
9 be operated with a metal halide lamp and a ballast for a metal halide  
10 lamp.

11 (14) "Pass-through cabinet" means a commercial refrigerator or  
12 freezer with hinged or sliding doors on both the front and rear of the  
13 unit.

14 (15) "Probe-start metal halide ballast" means a ballast used to  
15 operate metal halide lamps which does not contain an igniter and which  
16 instead starts lamps by using a third starting electrode "probe" in the  
17 arc tube.

18 (16) "Reach-in cabinet" means a commercial refrigerator or freezer  
19 with hinged or sliding doors or lids, but does not include roll-in or  
20 roll-through cabinets or pass-through cabinets.

21 (17)(a) "Roll-in cabinet" means a commercial refrigerator or  
22 freezer with hinged or sliding doors that allow wheeled racks of  
23 product to be rolled into the unit.

24 (b) "Roll-through cabinet" means a commercial refrigerator or  
25 freezer with hinged or sliding doors on two sides of the cabinet that  
26 allow wheeled racks of product to be rolled through the unit.

27 (18)(a) "Single-voltage external AC to DC power supply" means a  
28 device that: (i) Is designed to convert line voltage alternating  
29 current input into lower voltage direct current output; (ii) is able to  
30 convert to only one DC output voltage at a time; (iii) is sold with, or  
31 intended to be used with, a separate end-use product that constitutes  
32 the primary power load; (iv) is contained within a separate physical  
33 enclosure from the end-use product; (v) is connected to the end-use  
34 product via a removable or hard-wired male/female electrical  
35 connection, cable, cord, or other wiring; and (vi) has a nameplate  
36 output power less than or equal to 250 watts.

37 (b) "Single-voltage external AC to DC power supply" does not  
38 include: (i) Products with batteries or battery packs that physically

1 attach directly to the power supply unit; (ii) products with a battery  
2 chemistry or type selector switch and indicator light; or (iii)  
3 products with a battery chemistry or type selector switch and a state  
4 of charge meter.

5 (19) "State-regulated incandescent reflector lamp" means a lamp  
6 that is not colored or designed for rough or vibration service  
7 applications, that has an inner reflective coating on the outer bulb to  
8 direct the light, an E26 medium screw base, and a rated voltage or  
9 voltage range that lies at least partially within 115 to 130 volts, and  
10 that falls into one of the following categories:

11 (a) A bulged reflector or elliptical reflector bulb shape and which  
12 has a diameter which equals or exceeds 2.25 inches;

13 (b) A reflector, parabolic aluminized reflector, or similar bulb  
14 shape and which has a diameter of 2.25 to 2.75 inches.

15 (20) "Torchiere" means a portable electric lighting fixture with a  
16 reflective bowl that directs light upward onto a ceiling so as to  
17 produce indirect illumination on the surfaces below. "Torchiere" may  
18 include downward directed lamps in addition to the upward, indirect  
19 illumination.

20 (21) "Traffic signal module" means a standard (a) 8-inch or 200 mm  
21 or (b) 12-inch or 300 mm traffic signal indication, consisting of a  
22 light source, a lens, and all other parts necessary for operation.

23 (22) "Transformer" means a device consisting of two or more coils  
24 of insulated wire and that is designed to transfer alternating current  
25 by electromagnetic induction from one coil to another to change the  
26 original voltage or current value.

27 (23)(a) "Unit heater" means a self-contained, vented fan-type  
28 commercial space heater that uses natural gas or propane, and that is  
29 designed to be installed without ducts within a heated space.

30 (b) "Unit heater" does not include any products covered by federal  
31 standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any  
32 product that is a direct vent, forced flue heater with a sealed  
33 combustion burner.

34 NEW SECTION. **Sec. 3.** (1) This chapter applies to the following  
35 types of new products sold, offered for sale, or installed in the  
36 state: (a) Automatic commercial ice cube machines; (b) commercial  
37 clothes washers; (c) commercial prerinse spray valves; (d) commercial

1 refrigerators and freezers; (e) digital television adapters; (f)  
 2 illuminated exit signs; (g) low-voltage dry-type distribution  
 3 transformers; (h) metal halide lamp fixtures; (i) single-voltage  
 4 external AC to DC power supplies; (j) state-regulated incandescent  
 5 reflector lamps; (k) torchieres; (l) traffic signal modules; (m) unit  
 6 heaters; and (n) any other products designated by the department under  
 7 section 6 of this act. This chapter applies equally to products  
 8 whether they are sold, offered for sale, or installed as a stand-alone  
 9 product or as a component of another product.

10 (2) This chapter does not apply to (a) new products manufactured in  
 11 the state and sold outside the state, (b) new products manufactured  
 12 outside the state and sold at wholesale inside the state for final  
 13 retail sale and installation outside the state, (c) products installed  
 14 in mobile manufactured homes at the time of construction or (d)  
 15 products designed expressly for installation and use in recreational  
 16 vehicles.

17 NEW SECTION. **Sec. 4.** The legislature establishes the following  
 18 minimum efficiency standards for the types of new products set forth in  
 19 section 3 of this act.

20 (1)(a) Automatic commercial ice cube machines must have daily  
 21 energy use and daily water use no greater than the applicable values in  
 22 the following table:

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 - .0055H	200 - .022H
		≥500<1436	5.58 - .0011H	200 - .022H
		≥1436	4.0	200 - .022H
Ice-making head	air	450	10.26 - .0086H	Not applicable
		≥450	6.89 - .0011H	Not applicable
Remote condensing but not remote compressor	air	<1000	8.85 - .0038	Not applicable
		≥1000	5.10	Not applicable
Remote condensing and remote compressor	air	<934	8.85 - .0038H	Not applicable
		≥934	5.3	Not applicable
Self-contained models	water	<200	11.40 - .0190H	191 - .0315H

1	>=200	7.60	191 - .0315H		
2	Self-contained models	air	<175	18.0 - .0469H	Not applicable
3			>=175	9.80	Not applicable

4 Where H = harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value.

5 "Maximum water use" applies only to water used for the condenser.

6 (b) For purposes of this section, automatic commercial ice cube  
7 machines shall be tested in accordance with ARI 810-2003 test method as  
8 published by the air-conditioning and refrigeration institute. Ice-  
9 making heads include all automatic commercial ice cube machines that  
10 are not split system ice makers or self-contained models as defined in  
11 ARI 810-2003.

12 (2) Commercial clothes washers must have a minimum modified energy  
13 factor of 1.26 and a maximum water consumption factor of 9.5. For the  
14 purposes of this section, capacity, modified energy factor, and water  
15 consumption factor are defined and measured in accordance with the  
16 current federal test method for clothes washers as found at 10 C.F.R.  
17 Sec. 430.23.

18 (3) Commercial prerinse spray valves must have a flow rate equal to  
19 or less than 1.6 gallons per minute when measured in accordance with  
20 the American society for testing and materials' "Standard Test Method  
21 for Prerinse Spray Valves," ASTM F2324-03.

22 (4)(a) Commercial refrigerators and freezers must meet the  
23 applicable requirements listed in the following table:

24	Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
25	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators	Solid	0.10V + 2.04
26		Transparent	0.12V + 3.34
27	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators	Transparent	.126V + 3.51
30	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers	Solid	0.40V + 1.38
31		Transparent	0.75V + 4.10
32	Reach-in cabinets that are refrigerator- freezers with an AV of 5.19 or higher	Solid	0.27AV - 0.71

1 kWh = kilowatt hours

2 V = total volume (ft<sup>3</sup>)

3 AV = adjusted volume = [1.63 x freezer volume (ft<sup>3</sup>)] + refrigerator volume (ft<sup>3</sup>)

4 (b) For purposes of this section, "pulldown" designates products  
5 designed to take a fully stocked refrigerator with beverages at 90  
6 degrees F and cool those beverages to a stable temperature of 38  
7 degrees F within 12 hours or less. Daily energy consumption shall be  
8 measured in accordance with the American national standards  
9 institute/American society of heating, refrigerating and air-  
10 conditioning engineers test method 117-2002, except that the back-  
11 loading doors of pass-through and roll-through refrigerators and  
12 freezers must remain closed throughout the test, and except that the  
13 controls of all appliances must be adjusted to obtain the following  
14 product temperatures. These modifications are in accordance with the  
15 California energy commission at California code of regulations, Title  
16 20: Division 2, Chapter 4, Article 4: appliance efficiency  
17 regulations effective November 27, 2002; Table A-2:

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	38 ± 2
Freezer	0 ± 2

21 (5) Digital television adapters may not use more than 1 watt in  
22 "passive standby" mode and may not use more than 8 watts in "on" mode.  
23 For the purposes of this section, "passive standby" mode and "on" mode  
24 power consumption is measured in accordance with international  
25 electrotechnical commission test method 62807:2002(E), "Methods of  
26 Measurement for the Power Consumption of Audio, Video, and Related  
27 Equipment."

28 (6) Illuminated exit signs must have an input power demand of five  
29 watts or less per illuminated face. For the purposes of this section,  
30 input power demand is measured in accordance with the United States  
31 environmental protection agency's energy star exit sign program's  
32 conditions for testing. Illuminated exit signs must meet all  
33 applicable building and safety codes.

34 (7)(a) Low-voltage dry-type distribution transformers shall have  
35 efficiencies not less than the applicable values in the following table  
36 when tested at thirty-five percent of the rated output power:

Single Phase			Three Phase		
Rated power output in kVa	Minimum efficiency %		Rated power output in kVa	Minimum efficiency %	
≥ 15	<25	97.7	≥ 15	<30	97.0
≥ 25	<37.5	98.0	≥ 30	<45	97.5
≥ 37.5	<50	98.2	≥ 45	<75	97.7
≥ 50	<75	98.3	≥ 75	<112.5	98.0
≥ 75	<100	98.5	≥ 112.5	<150	98.2
≥ 100	<167	98.6	≥ 150	<225	98.3
≥ 167	<250	98.7	≥ 225	<300	98.5
≥ 250	<333	98.8	≥ 300	<500	98.6
333		98.9	≥ 500	<750	98.7
--		--	≥ 750	<1000	98.8
--		--	1000		98.9

kVa = kilovolt amperes

(b) For the purposes of this section, low-voltage dry-type distribution transformer efficiency is measured in accordance with the national electrical manufacturers association TP 2-1998 test method.

(8) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall not contain a probe-start metal halide lamp ballast.

(9)(a) Single-voltage external AC to DC power supplies shall meet the requirements in the following table:

Nameplate output	Minimum Efficiency in Active Mode
< 1 Watt	0.49 * Nameplate Output
> or = 1 Watt and < or = 49 Watts	0.09 * Ln (Nameplate Output) + 0.49
> 49 Watts	0.84
	Maximum Energy Consumption in No-Load Mode
< or = 10 Watts	0.5 Watts
> 10 Watts and < or = 250 Watts	0.75 Watts

Where Ln (Nameplate Output) - Natural Logarithm of the nameplate output expressed in Watts

(b) For the purposes of this section, efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with

1 the United States environmental protection agency's "Test Method for  
 2 Calculating the Energy Efficiency of Single-Voltage External AC to DC  
 3 and AC to AC Power Supplies" dated August 11, 2004.

4 (10)(a) State-regulated incandescent reflector lamps that are not  
 5 50 watt elliptical reflector lamps must meet the minimum efficacies in  
 6 the following table:

7	Wattage	Minimum average lamp efficacy (lumens per watt)
8	40 - 50	10.5
9	51 - 66	11.0
10	67 - 85	12.5
11	86 - 115	14.0
12	116 - 155	14.5
13	156 - 205	15.0

14 (b) Lamp efficacy must be measured in accordance with the  
 15 applicable federal test method as found at 10 C.F.R. Sec. 430.23.

16 (11) Torchieres may not use more than 190 watts. A torchiere is  
 17 deemed to use more than 190 watts if any commercially available lamp or  
 18 combination of lamps can be inserted in a socket and cause the  
 19 torchiere to draw more than 190 watts when operated at full brightness.

20 (12)(a) Traffic signal modules must have maximum and nominal  
 21 wattage that do not exceed the applicable values in the following  
 22 table:

23	Module Type	Maximum Wattage (at 74°C)	Nominal Wattage (at 25°C)
24	12" red ball (or 300 mm circular)	17	11
25	8" red ball (or 200 mm circular)	13	8
26	12" red arrow (or 300 mm arrow)	12	9
27			
28	12" green ball (or 300 mm circular)	15	15
29	8" green ball (or 200 mm circular)	12	12
30	12" green arrow (or 300 mm arrow)	11	11

31 mm = millimeter

32 (b) For the purposes of this section, maximum wattage and nominal  
 33 wattage must be measured in accordance with and under the testing

1 conditions specified by the institute for transportation engineers  
2 "Interim LED Purchase Specification, Vehicle Traffic Control Signal  
3 Heads, Part 2: Light Emitting Diode Vehicle Traffic Signal Modules."

4 (13) Unit heaters must be equipped with intermittent ignition  
5 devices and must have either power venting or an automatic flue damper.

6 NEW SECTION. **Sec. 5.** (1) On or after January 1, 2007, no new  
7 commercial clothes washer, commercial prerinse spray valve, commercial  
8 refrigerator or freezer, digital television adapter, illuminated exit  
9 sign, low-voltage dry-type distribution transformer, single-voltage  
10 external AC to DC power supply, state-regulated incandescent reflector  
11 lamp, torchiere, traffic signal module, or unit heater may be sold or  
12 offered for sale in the state unless the efficiency of the new product  
13 meets or exceeds the efficiency standards set forth in the rules  
14 adopted under section 4 of this act. On or after January 1, 2008, no  
15 new automatic commercial ice cube machine or metal halide lamp fixtures  
16 may be sold or offered for sale in the state unless the efficiency of  
17 the new product meets or exceeds the efficiency standards set forth in  
18 the rules adopted under section 4 of this act.

19 (2) On or after January 1, 2008, no new commercial clothes washer,  
20 commercial prerinse spray valve, commercial refrigerator or freezer,  
21 digital television adapter, illuminated exit sign, low-voltage dry-type  
22 distribution transformer, single-voltage external AC to DC power  
23 supply, state-regulated incandescent reflector lamp, torchiere, traffic  
24 signal module, or unit heater may be installed for compensation in the  
25 state unless the efficiency of the new product meets or exceeds the  
26 efficiency standards set forth in the rules adopted under section 4 of  
27 this act. On or after January 1, 2009, no new automatic commercial ice  
28 cube machine or metal halide lamp fixtures may be installed for  
29 compensation in the state unless the efficiency of the new product  
30 meets or exceeds the efficiency standards set forth in the rules  
31 adopted under section 4 of this act.

32 (3) Standards for metal halide lamp fixtures and state-regulated  
33 incandescent reflector lamps are effective on the dates in subsections  
34 (1) and (2) of this section or on the dates standards for these  
35 products are effective in California, whichever is later. Washington  
36 standards for metal halide lamp fixtures and state-regulated

1 incandescent reflector lamps only apply to classes of these products  
2 covered by standards in effect in California.

3 NEW SECTION. **Sec. 6.** In January 2010, and every four years  
4 thereafter, the department shall enter into a rule making to update and  
5 modify the rules, specifications, and cost-effective minimum energy  
6 efficiency standards of the products listed in this chapter. The  
7 department is authorized in this rule making to establish state minimum  
8 energy efficiency standards for additional nonfederally covered  
9 products that are cost-effective to consumers, are commercially  
10 available from multiple manufacturers, achieve electric and/or natural  
11 gas savings, and exist as a standard in at least one other state in the  
12 United States.

13 NEW SECTION. **Sec. 7.** (1) The manufacturers of products covered by  
14 this chapter must test samples of their products in accordance with the  
15 test procedures under this chapter or those specified in the state  
16 building code. The department may adopt test procedures for  
17 determining the energy efficiency of the products covered by section 3  
18 of this act if the procedures are not provided for in section 4 of this  
19 act or in the state building code. The department shall adopt United  
20 States department of energy approved test methods, or in the absence of  
21 test methods, other appropriate nationally recognized test methods.  
22 The department may adopt updated test methods when new versions of test  
23 procedures become available.

24 (2) Manufacturers of new products covered by section 3 of this act,  
25 except for single-voltage external AC to DC power supplies, shall  
26 certify to the department that the products are in compliance with this  
27 chapter. This certification must be based on test results unless  
28 neither this chapter nor the department has specified a test method.  
29 The department shall establish rules governing the certification of  
30 these products and may coordinate with the certification programs of  
31 other states and federal agencies with similar standards.

32 (3) Manufacturers of new products covered by section 3 of this act  
33 shall identify each product offered for sale or installation in the  
34 state as in compliance with this chapter by means of a mark, label, or  
35 tag on the product and packaging at the time of sale or installation.  
36 The department shall establish rules governing the identification of

1 these products and packaging, which shall be coordinated to the  
2 greatest practical extent with the labeling programs of other states  
3 and federal agencies with equivalent efficiency standards.

4 (4) The department may test products covered by section 3 of this  
5 act. If products so tested are found not to be in compliance with the  
6 minimum efficiency standards established under section 4 of this act,  
7 the department shall: (a) Charge the manufacturer of the product for  
8 the cost of product purchase and testing; and (b) make information  
9 available to the public on products found not to be in compliance with  
10 the standards.

11 (5) With prior notice and at reasonable and convenient hours, the  
12 department may cause periodic inspections to be made of distributors or  
13 retailers of new products covered by section 3 of this act in order to  
14 determine compliance with this chapter.

15 (6) The department shall investigate complaints received concerning  
16 violations of this chapter. Any manufacturer, distributor, or retailer  
17 who violates this chapter shall be issued a warning by the director of  
18 the department for any first violation. Repeat violations are subject  
19 to a civil penalty of not more than two hundred fifty dollars. Each  
20 violation constitutes a separate offense, and each day that the  
21 violation continues is a separate offense. Penalties assessed under  
22 this subsection are in addition to costs assessed under subsection (4)  
23 of this section.

24 (7) The department may adopt rules as necessary to ensure the  
25 proper implementation and enforcement of this chapter.

26 (8) The proceedings relating to certification of products or  
27 imposing penalties for violations of this chapter are governed by the  
28 administrative procedure act, chapter 34.05 RCW.

29 NEW SECTION. **Sec. 8.** If any provision of this act or its  
30 application to any person or circumstance is held invalid, the  
31 remainder of the act or the application of the provision to other  
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute  
34 a new chapter in Title 19 RCW.

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